

Combat-Related Special Compensation

Combat-Related Special Compensation Section 636, Public Law 107-314, December 2, 2002 Section 1413a, Title 10, United States Code Program Guidance

GENERAL: Combat-Related Special Compensation (CRSC) for certain disabled Uniformed Service Retirees has been codified in law at section 1413a, title 10, United States Code. The law was enacted December 2, 2002, by Section 636 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314, December 2, 2002). CRSC provides compensation to certain retirees with combat-related disabilities that qualify under the criteria set forth in the law as implemented by this guidance.

This program guidance memorandum prescribes responsibilities and procedures to identify and pay those retired members who qualify to receive CRSC.

EFFECTIVE DATE: The CRSC program will become effective May 31, 2003. For members qualified on that date, compensation accrues beginning June 2003. Payments are made on the first business day of the first month following the month in which the compensation accrued (e.g., the first payments may be made to qualified members on July 1, 2003). No CRSC is payable for any month before June 2003.

TAX CONSIDERATIONS: The Armed Forces Tax Council (AFTC) has been requested to review expeditiously the appropriate treatment of CRSC for income tax purposes. Pending that review, the Department intends to treat CRSC as exempt from Federal income tax under 26 U.S.C. 104.

FUNDING AND PAYMENT: CRSC is *not* military retired pay. It is to be paid from funds appropriated for pay and allowances payable by the Secretary of the Military Department concerned for that fiscal year. Supplemental guidance will be issued concerning which year's funds should be used for retroactive payments that cross fiscal years.

RELATIONSHIP TO OTHER PROVISIONS: Since CRSC is not retired pay, it is not subject to the provisions of section 1408, title 10, United States Code, relating to payment of retired or retainer pay in compliance with court orders. CRSC is also not subject to any survivor benefit provisions of chapter 73, title 10, United States Code. CRSC is subject to a Treasury offset to recover a debt owed to the United States as well as to garnishment for child support or alimony.

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NON-DOD UNIFORMED SERVICES: CRSC applies to retired members of any Uniformed Service, including retired members of the U.S. Coast Guard, and the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service. DoD guidance and program development will be coordinated with such Services to support their internal program implementation. They may modify these procedures as appropriate for their Departments with supplemental guidance and instructions to correlate responsibilities and effect implementation for their agency.

ENTITLEMENT: CRSC is a monthly entitlement and is to be paid only in whole month increments according to the procedures prescribed herein. To be entitled to CRSC, a member must file an application with the Military Department from which the member retired in accordance with the procedures and criteria prescribed herein. Applications for CRSC will be processed by the respective Military Department under the guidelines prescribed in these instructions.

A retiree is entitled to CRSC for each month during which, for the entire month, the retiree:

- a. Has applied for and elected CRSC under these provisions, and
- b. Meets Preliminary CRSC Criteria, and
- c. Meets Final CRSC Criteria – (that is, has a qualifying combat-related disability or disabilities)

APPLICATION AND ELECTION OF CRSC: A member may not be paid CRSC unless he/she has applied for and elected to receive compensation under the CRSC program. Such application must be submitted in accordance with the procedures and criteria as prescribed herein. A DoD CRSC application form will be developed in accordance with this guidance by the Director of Compensation, Office of the Deputy Under Secretary of Defense (Military Personnel Policy). Members seeking CRSC compensation will submit CRSC applications to the designated office of the Military Department from which they retired.

Members may submit an application for CRSC at any time and, if otherwise qualified for CRSC, compensation will be paid for any month after May 2003 for which all conditions of eligibility were met, retroactive to the extent otherwise allowed by law.

ELECTION OF CRSC UNDER 10 USC 1413a OR SPECIAL

COMPENSATION UNDER 10 USC 1413: The law requires that a member eligible for both CRSC as provided by 10 USC 1413a and Special Compensation for Severely Disabled retirees (SCSD) as provided by 10 USC 1413 may not receive both but must elect which special compensation to receive. Such election will be made as part of the CRSC application process. The election, in which a member allows the finance center to elect on his or her behalf the greater of the two payments, will be incorporated in the application form. The finance center will advise the member which of the two payments is being paid pursuant to this election and will also

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provide further notice in the event the amounts payable under either program cause this election to be changed.

PRELIMINARY CRSC CRITERIA: A retired member of the Uniformed Services who meets each of the four following conditions will be considered to meet the Preliminary CRSC Criteria:

- 1. Has 20 or more years of service in the Uniformed Services for purposes of computing the amount of retired pay.**

NOTE 1: Members retired under the provisions of section 4403 of Public Law 102-484, October 23, 1992, commonly referred to as the TERA program -- Temporary Early Retirement Authority -- are not eligible, even if they have subsequently served in Public And Community Service (PACS) positions creditable for re-computation of retired pay at age 62, unless the member has been recalled to active duty long enough to accumulate 20 years or more of service in the Uniformed Services for purposes of computing the amount of retired pay.

NOTE 2: The 20 years of service required for computing the amount of retired pay may be inferred from the retired pay multiplier. However, the Military Departments are not bound by such presumption if there is documentary information to the contrary, such as a TERA retirement. In such cases the Military Departments shall base their determinations on the documentary information available.

A member who retired for years of service (not for disability under chapter 61 of title 10) who has a retired pay multiplier not less than 50 percent, or a Reserve retiree who has a retired pay multiplier not less than 50 percent, or a member retired under REDUX who is still under age 62 with a retired pay multiplier not less than 40 percent, may be presumed to have 20 years of service for retired pay computation purposes. A member who retired under chapter 61 of title 10 should be evaluated in terms of what the multiplier would be if not retired for disability.

For example, consider a member with a 50% multiplier who is a TERA retiree with a 10 percent increase in retired pay granted on the basis of extraordinary heroism. Such documentary information would be used to deny CRSC qualification.

NOTE 3. A retired Reservist with retired pay computed under the provisions of chapter 1223 (formerly chapter 67), title 10, USC, must have 20 or more years of service as defined by 10 USC 12733. Thus, to be eligible for CRSC, such retirees must have 7,200 or more total points under clauses (1), (2), (3), and (4) of 10 USC 12733.

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2. **Is in a retired status (i.e., is on the retired rolls, or has been transferred to the Fleet Reserve or Fleet Marine Corps Reserve).**

NOTE: Members recalled to, or retained on, active duty are not in a retired status during the period of such recall or retention.

3. **Is entitled to retired pay, notwithstanding that such retired pay may be reduced due to receipt of VA disability compensation.**

A member who waives military retired pay in order to credit military service for purposes of a civil service retirement, or for any reason other than to receive disability compensation from the VA, is not eligible for CRSC.

4. **Has qualifying disability ratings (percentages):** A retiree must have at least one of the following (a. or b.):

- a. A current combined VA disability rating (according to the VA combined rating table) for disabilities that meet the following prescribed thresholds:
 1. A current combined VA disability rating of at least 10% disabling if the retiree has been awarded a Purple Heart, or
 2. A current combined VA disability rating of at least 60% disabling.
- b. A combined disability rating from the Secretary of the Military Department concerned, as of the date on which the member retired from the Military Department, that meets the following prescribed thresholds:
 1. A combined disability rating of at least 10% disabling if the retiree has been awarded a Purple Heart, or
 2. A combined disability rating of at least 60 % percent disabling.

If a member does not satisfy each of the Preliminary CRSC Criteria in paragraphs 1 through 4 above, no further consideration by the Military Department is necessary. The member does not meet Preliminary CRSC Criteria and the application will be denied accordingly. A member should reapply at such time as his/her ratings satisfy the specified thresholds and he/she meets all four Preliminary CRSC Criteria.

Note that while disability ratings by the Secretary of the Military Department, as of the date on which the member retired, may be used to determine whether the member meets Preliminary CRSC Criteria, the actual computation of CRSC amount (see section below - Monthly Amount of CRSC) is based solely on VA disability determinations and the

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amount of VA compensation paid. Military retirement decisions may be used to determine whether such disabilities are combat-related.

If the applicant meets each of the Preliminary CRSC Criteria of paragraphs 1 through 4 above, the Military Departments will determine whether the member's disabilities are qualifying combat-related disabilities as prescribed below.

FINAL CRSC CRITERIA -- QUALIFYING COMBAT-RELATED DISABILITY:
A retiree is entitled to CRSC only if the combined disability rating from the Secretary of the Military Department concerned, as of the date on which the member retired, or the current combined disability rating (according to the VA combined ratings table) meets the following prescribed thresholds determined solely on the basis of those disabilities determined to be either Purple Heart Disabilities for paragraph a. below, or to be Combat-Related Disabilities (which includes any Purple Heart Disabilities) for paragraph b. below:

- a. For a member who has been awarded a Purple Heart, a combined disability rating for Purple Heart Disabilities that is at least 10% disabling, or
- b. A combined disability rating for all combat-related disabilities that is at least 60% disabling.

The VA Combined Ratings Table is used to combine multiple disability ratings. This table and its use are set forth in title 38 of the Code of Federal Regulations (CFR), Chapter I, Part 4, Section 4.25. The table results from the consideration of the efficiency of the individual as affected by the most disabling condition, then by the less disabling condition, then by other less disabling conditions, if any, in the order of severity. Thus, a person having a 60% disability is considered 40% efficient. Proceeding from this 40% efficiency, the effect of a further 30% disability is to leave only 70% of the efficiency remaining after consideration of the first disability (70% of 40%) leaving 28% efficiency altogether. The individual is thus 72% disabled.

When more than two disabilities are combined, this process continues by combining other lesser disabilities with the resultant disability thus far. No rounding is done until the last disability has been combined. After the last disability has been combined, the result will be rounded to a percent divisible by 10, and combined values ending in 5 or greater will be adjusted upward and those ending in 4 or less adjusted downward.

In application, a combined rating of multiple disabilities is obtained by:

1. Subtract each disability percent from 100% to obtain the remaining efficiency.
2. Multiply the remaining efficiencies together.
3. Subtract the result from 100%.
4. Round to the nearest 10%, round up for 5% and above, down otherwise.

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Example 1: Consider a member having 3 disabilities: one rated 50%, one rated 40%, and one rated 30%. If added together the total would be 120%. Instead, the member's combined rating is determined as follows:

1. The three disabilities leave efficiencies of 50%, 60%, and 70% respectively.
2. These multiply against each other as $50\% * 60\% * 70\% = 21\%$.
3. The disability is $100\% - 21\% = 79\%$.
4. Adjust this result upward to 80% combined disability.

Example 1-1: Now consider what happens if the Military Department determines that only the 40% and 30% disabilities are combat-related, then the member's combined disability rating for CRSC would be:

1. The two disabilities of 40% and 30% leave efficiencies of 60% and 70%.
2. These multiply against each other as $60\% * 70\% = 42\%$.
3. The disability is $100\% - 42\% = 58\%$.
4. Adjust this result upward to 60% combined disability rating.

PURPLE HEART DISABILITY: A Purple Heart Disability is a disability with an assigned medical diagnosis code from the VA Schedule for Rating Disabilities (VASRD) that was attributed to injuries for which the member was awarded a Purple Heart.

If a member meets the Preliminary CRSC Criteria and has been awarded a Purple Heart, the Military Department must determine which disabilities of the member, if any, are attributable to such Purple Heart injuries. If the member has not been awarded a Purple Heart, no such determinations will be made.

Determination that a disability is a Purple Heart Disability requires documentary information that there is a sufficient causal relationship between the disability and the injury for which a Purple Heart was awarded to conclude that the disability is attributable to such injury. Such a disability will be classified as a Purple Heart Disability and will also be included in any other CRSC determinations based on combat-related disabilities. With respect to an application of a retiree who meets Preliminary CRSC Criteria and who was awarded the Purple Heart, the Military Department will record whether or not each disability rated by the VA is or is not attributable to an injury for which the member was awarded the Purple Heart.

OTHER COMBAT-RELATED DISABILITIES: A combat-related disability is a disability with an assigned medical diagnosis code from the VA Schedule for Rating Disabilities (VASRD) that was incurred:

- a. As a direct result of armed conflict,

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- b. While engaged in hazardous service,
- c. In the performance of duty under conditions simulating war, or
- d. Through an instrumentality of war.

The Military Departments will determine whether a disability is combat-related under a, b, c, or d, above, using the definitions and criteria set forth in attachment 1-1 and this memorandum.

The Military Department shall record for each disability determined to be combat-related which of the circumstances above (a, b, c, or d) qualifies the disability as combat-related.

A determination of combat-relatedness will be made with respect to each separate disability with an assigned medical diagnosis code from the VA Schedule for Rating Disabilities (VASRD).

A retiree may have disabilities that are not combat-related. Such disabilities will not be considered in determining eligibility for CRSC or the amount of CRSC payable.

With respect to VA awards of service-connection based on presumptive conditions under the provisions of 38 USC 1112(b) and (c), 1116, 1117, and 1118 and of 38 CFR 3.316, CRSC determinations will presume such disability to also be combat-related if the VA Initial Rating Form (or other substantiating documentary information) indicates that the VA rating for the disability is based on such presumption. Thus, disabilities rated by the VA on the basis of exposure to radiation, mustard gas or lewisite, Agent Orange, and those disabilities associated with Persian Gulf service that are presumed by the VA to be service-connected shall be presumed by the Military Department to be combat-related absent documentary information that the disability was incurred under circumstances that were not combat-related.

With respect to VA awards of service-connection for presumptive conditions under 38 USC 1112(a) and Post Traumatic Stress Disorder (PTSD - VASRD Code 9411), the Military Department must independently determine the relationship between that disability and the qualifying criteria.

The Military Departments are not bound by any presumption described above if there is documentary information that the disability is not combat-related. The Military Departments shall base their determinations on such information.

An uncorroborated statement in a record that a disability is combat-related will not, in and of itself, be considered determinative for purposes of meeting the combat-related standards for CRSC prescribed herein. CRSC determinations must be made on the basis of the program criteria.

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PROCESSING OF APPLICATIONS: Each Military Department will receive and process CRSC applications submitted by members retired from that Military Department. Applications will be reviewed, and an application will be approved only if the applicant satisfies both Preliminary and Final CRSC criteria. The member's respective finance center will be notified of an approved application for processing and payment as appropriate. If the applicant does not satisfy both sets of criteria, the application will be denied. The member may reapply at such time as he/she satisfies the specified criteria or is able to present documentation establishing that all criteria have been satisfied. Military Departments will notify members of all decisions with respect to their applications.

When an application is denied, the Military Department will inform the member of: (1) the reason for denial and (2) the options for reconsideration and/or appeal (see section below—DENIAL AND APPEALS). Reasons for denial should state any criteria the application fails to meet. The Director of Compensation, ODUSD(MPP), will provide the Military Departments a listing of criteria that can be used as a checklist for this purpose. Each Military Department will retain all records related to applications and their disposition until further guidance is provided concerning record retention policy.

The objective in processing a CRSC application is to determine whether an applicant can be identified as a Uniformed Services retiree, determined to meet Preliminary CRSC Criteria, and if so, determined to meet Final CRSC Criteria. Final CRSC Criteria requires a determination by the Military Department of which, if any, of the member's disabilities compensated by the VA are Purple Heart Disabilities and/or combat-related disabilities. VA ratings are the sole discretion of the VA and not subject to challenge through the CRSC program. If the member disagrees with the evaluation assigned by the VA, the retiree must seek an increased evaluation through the VA.

BASIS FOR DETERMINATIONS: Determinations of whether a disability is combat-related will be based on the preponderance of available documentary information where quality of information is more important than quantity. All relevant documentary information is to be weighed in relation to known facts and circumstances, and determinations will be made on the basis of credible, objective documentary information in the records as distinguished from personal opinion, speculation, or conjecture.

The burden of proof that a disability is combat-related rests with the applicant and members will be required to provide copies of documents in their possession to the best of their ability. A record submitted by a member may be used in support of his/her application if that record appears regular on its face and is consistent with Military Service documents and procedures in use at the time, based on the best information available. Military Departments may compile a list of typical documents used in various time periods (with samples, as appropriate).

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When documentary information provided by the member, in conjunction with automated Service records, is insufficient to support a determination that the disability is combat-related, the Military Department may seek additional documentary information, including documents from the National Personnel Records Center and/or the VA as, in the determination of the Military Department, is likely to be useful in providing relevant information.

The Department of Veterans' Affairs (VA), under agreement with the Department of Defense, will provide a record extract to support CRSC determinations at the specific request of a Military Department under procedures announced by the Director of Compensation, ODUSD(MPP). In response to such requests, the VA will provide a record extract containing:

- a. A copy of any DD form 214s on file.
- b. A copy of the Service Medical Record
- c. A copy of any final ratings prepared by the VA.

DENIAL AND APPEALS: When a Military Department denies a CRSC application, it will provide a letter to the member specifying the reason(s) for the denial. The Military Department will inform the member that he/she may seek reconsideration by submitting additional, clarifying, or new documentary information to the Military Department in support of his or her application. The Military Department will review the additional, clarifying, or new documentary information and will inform the member of the results of the review. The Military Department will also inform the member that CRSC is subject to the same appeals and correction processes applicable to military pay and allowances generally, including application to the appropriate Board for Correction of Military Records (BCMR) under the provisions of 10 U.S.C. 1552. The Military Department will provide the member a DD form 149, Application for Correction of Military Records, and the address of the BCMR, including its website. In considering an application where the issue of whether a disability is combat-related for the purposes of CRSC, the BCMR will seek an advisory opinion from the Director of Compensation, Office of the Deputy Under Secretary of Defense (Military Personnel Policy), and comply with the requirements of 10 U.S.C. 1556. The BCMR will provide the Director of Compensation a copy of any final decision concerning any application involving a determination as to whether a disability is combat-related.

MONTHLY AMOUNT OF CRSC: The monthly amount of CRSC is equal to the Full Monthly Amount prescribed in paragraph a below, reduced as prescribed in paragraph b, and limited according to paragraph c.

- a. **Full Monthly Amount:** The monthly amount of disability compensation the member would be paid by the VA under the provisions of chapter 11, title 38, United States Code, if compensated solely for the disabilities determined to be

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attributable to an injury for which the member received the Purple Heart or determined to be otherwise combat-related as described above. The rates of such compensation are set forth in 38 U.S.C. 1114. Additional compensation for dependents will not be considered in determining the amount of the CRSC monthly payment. Amounts of Special Monthly Compensation (SMC) will be considered only if the SMC is paid on the basis of disabilities that have been determined to be combat-related as described above. Supplemental guidance will be issued for members receiving Special Monthly Compensation (SMC) on the basis of combat-related disabilities.

If the member's current combined VA rating for a combat-related disability is different than the rating the member received from the Secretary of the Military Department, as of the date on which the member retired, the Full Monthly Amount is computed as the monthly compensation payment the member would be entitled to solely for the combat-related disability consistent with chapter 11 of title 38, which is based on the current combined VA rating rather than the rating from the Secretary of the Military Department.

A retiree who qualifies for CRSC on the basis of the 60% threshold for combat-related disabilities will receive CRSC computed solely on the basis of the combined disability rating of the combat-related disabilities, including any Purple Heart Disabilities. Any VA award for disabilities determined to be not combat-related will be ignored.

A retiree who does not qualify for CRSC on the 60% threshold basis but qualifies for CRSC solely on the basis of Purple Heart Disabilities will receive CRSC computed solely on the basis of the combined disability rating for the Purple Heart Disabilities. Any VA award for disabilities not attributable to an injury for which the member was awarded the Purple Heart will be ignored.

Example a-1: A married member with two children has qualifying combat-related disabilities rated at 100% by the VA. The member's current monthly VA benefit amount is \$2,472 -- the prescribed rate for a 100% disability for a veteran with a spouse and two children. However, the Full Monthly Amount for CRSC purposes is the rate that would be paid solely for the combat-related disability, not compensation for dependents. This amount is \$2,193.

- b. Reduction for Chapter 61 retirees: The Full Monthly Amount specified in paragraph a above will be reduced by the amount by which a member's current retired pay under chapter 61 exceeds the amount of retired pay the member would receive if retired under any other provision of law based on service in the Uniformed Services.**

Example b-1: The same member as described in example a-1 retired after 22 years of service with high-three basic pay of \$3,000 and has been determined to have a qualifying combat-related disability rated at 100% by the VA. However,

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the member was retired under chapter 61 with a disability rating from the Secretary of the Military Department of only 60%. Thus, the member receives retired pay of \$1,800 monthly (60% of \$3,000). Had this member retired under longevity provisions with 22 years of service, the retired pay would have been \$1,650 monthly (55% of \$3,000). The member's CRSC payment will be reduced by the difference in these two amounts, or \$150 (\$1,800 - \$1,650). This reduction reflects the amount by which his disability retired pay exceeds his longevity retired pay. The member's potential CRSC benefit would now be reduced from \$2,193 as determined under Step a. to \$2,043 under Step b. (\$2,193 minus \$150).

- c. Maximum Amount:** The maximum CRSC payment may not exceed the current reduction in retired pay applicable to the retiree under sections 5304 and 5305 of title 38, United States Code. Thus, CRSC is not payable if there is no reduction under section 5304 and 5305 because the member is not receiving any monthly disability compensation from the VA, or because the member is not receiving retired pay for other reasons (such as a member who waives military retired pay in order to credit military service for a civil service retirement). The monthly CRSC payment cannot exceed the member's full retired pay entitlement.

Example c-1: Consider the same member described in examples a-1 and b-1. The CRSC Full Monthly Amount of \$2,193 has been reduced by \$150 under Step b to \$2,043, but is limited in this step to no more than the member is offset due to receipt of VA disability compensation. This member's entire retired pay of \$1,800 is fully reduced and that is the maximum the member can be paid.

VA Retroactive Increase: When the VA makes a retroactive increase in a member's VA disability compensation pertinent to a member's combat-related disabilities under CRSC, no retroactive amount will be paid under CRSC as there is no retroactive adjustment in retired pay for such increased compensation. Any increase affecting CRSC qualified disabilities in the current month requires that CRSC be recomputed. Supplemental guidance will be issued to address the possibility of a retroactive decrease in VA disability compensation.

RESPONSIBILITIES WITHIN DOD: In order to facilitate the implementation and administration of 10 USC 1413a, each agency with responsibilities shall designate a point of contact to the Director of Compensation, Office of the Deputy Under Secretary of Defense (Military Personnel Management), or OSD Director of Compensation.

DIRECTOR OF COMPENSATION, OFFICE OF THE DEPUTY UNDER SECRETARY OF DEFENSE (MILITARY PERSONNEL POLICY): The Director of Compensation shall:

- a. Serve as the central point of contact among all agencies that have implementation responsibilities and shall coordinate resolution of any problems that might prevent timely payment of CRSC.

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- b. Develop and maintain a CRSC application form.
- c. Provide the Military Departments a list of criteria for CRSC qualification for use in approving and denying applications and informing applicants of the determinations made.
- d. Prepare information and lists as required to support the Military Departments in their review processes and shall also staff additional guidance for the determination of when Special Monthly Compensation (SMC) paid by the VA is considered paid on the basis of a combat-related disability.
- e. Provide advisory opinions upon request of a Board for Correction of Military Records.
- f. Publish examples of CRSC compensation to assist Military Departments and DFAS in explaining and computing CRSC.
- g. Collect information from the Military Departments to assess the consistency and uniformity of determinations under this program and pursue supplemental guidance as necessary to achieve reasonable uniformity.

DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS): DFAS shall:

- a. Receive determinations on combat-related disabilities from the Military Departments and coordinate that information with information provided by the Department of Veterans Affairs relating to such disabilities. DFAS will exchange such data with the VA as needed to support the continuing adjustment of CRSC payments.
- b. Compute the CRSC amount payable based on the determinations of the Military Departments and data provided by the VA.
- c. Develop and implement standard accounting and administration policies needed to support payment of CRSC.
- d. Assist Services in their determinations of whether CRSC applicants meet Preliminary CRSC Criteria.

MILITARY DEPARTMENTS: Each Military Department shall:

- a. Identify for DFAS a primary Point of Contact for CRSC funding issues. The POC must ensure DFAS has access to funds required to pay CRSC.
- b. Provide an address for members to submit applications for CRSC.
- c. Implement a review and determination process for the CRSC applications submitted by members retired from that Military Department,
- d. Report to DFAS all determinations regarding members entitled to CRSC in a manner prescribed by DFAS.
- e. Support DFAS with timely and accurate data on retirees of the Military Department.

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- f. Provide timely correction of erroneous data or records.
- g. Refer issues raised in the administration of the program to the OSD Director of Compensation.
- h. Provide information to the OSD Director of Compensation as requested to support appeals and reviews of policy issues.
- i. Submit reports to the OSD Director of Compensation as required herein.

DMDC: DMDC shall host a web-site program to assist members in evaluating the likelihood of whether their disabilities qualify under the CRSC program and complete an application on line and print it for mailing to the member's Military Department. Contents of the web site will be coordinated with the Director of Compensation, ODUSD(MPP).

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Attachment 1-1 Determinations of Combat-Relatedness

The following criteria, terms, definitions, explanations will apply to making combat-related determinations in the CRSC program.

Direct Result of Armed Conflict - The disability is a disease or injury incurred in the line of duty as a direct result of armed conflict. The fact that a member incurred the disability during a period of war or an area of armed conflict or while participating in combat operations is not sufficient to support a combat-related determination. There must be a definite causal relationship between the armed conflict and the resulting disability.

Armed conflict includes a war, expedition, occupation of an area or territory, battle, skirmish, raid, invasion, rebellion, insurrection, guerilla action, riot, or any other action in which Service members are engaged with a hostile or belligerent nation, faction, force, or terrorists.

Armed conflict may also include such situations as incidents involving a member while interned as a prisoner of war or while detained against his or her will in custody of a hostile or belligerent force or while escaping or attempting to escape from such confinement, prisoner of war, or detained status.

While Engaged in Hazardous Service - Such service includes, but is not limited to, aerial flight, parachute duty, demolition duty, experimental stress duty, and diving duty. A finding that a disability is the result of such hazardous service requires that the injury or disease be the direct result of actions taken in the performance of such service. Travel to and from such service, or actions incidental to a normal duty status not considered hazardous are not included.

In the Performance of Duty Under Conditions Simulating War - In general this covers disabilities resulting from military training, such as war games, practice alerts, tactical exercises, airborne operations, leadership reaction courses, grenade and live fire weapons practice, bayonet training, hand-to-hand combat training, repelling, and negotiation of combat confidence and obstacle courses. It does not include physical training activities such as calisthenics and jogging or formation running and supervised sport activities.

Instrumentality of War - Incurrence during an actual period of war is not required. However, there must be a direct causal relationship between the instrumentality of war and the disability. The disability must be incurred incident to a hazard or risk of the service.

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An instrumentality of war is a vehicle, vessel, or device designed primarily for Military Service and intended for use in such Service at the time of the occurrence or injury. It may also include such instrumentalities not designed primarily for Military Service if use of or occurrence involving such instrumentality subjects the individual to a hazard peculiar to Military Service. Such use or occurrence differs from the use or occurrence under similar circumstances in civilian pursuits.

A determination that a disability is the result of an instrumentality of war may be made if the disability was incurred in any period of service as a result of such diverse causes as wounds caused by a military weapon, accidents involving a military combat vehicle, injury or sickness caused by fumes, gases, or explosion of military ordnance, vehicles, or material.

For example, if a member is on a field exercise and is engaged in a sporting activity and falls and strikes an armored vehicle, the injury will not be considered to result from the instrumentality of war (armored vehicle) because it was the sporting activity that was the cause of the injury, not the vehicle. On the other hand, if the individual was engaged in the same sporting activity and the armored vehicle struck the member, the injury would be considered the result of an instrumentality of war.